

REMARKS

Reconsideration of the above identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-7 are pending and stand rejected.

Claims 1, 4 and 6 are independent claims.

The drawings are objected to as the label 202 shown in the drawings (Fig. 5) is not referred-to in the specification.

Applicant thanks the Examiner for his observation and has amended the specification to include the label 202. No new matter has been added. Support for the amendment may be found at least in each of the independent claims ("An image sensor module for use with a camera apparatus, the image sensor module comprising: a circuit board section including a transparent material ..."). Element 400 is transparent and is positioned over the region 202. Therefore, it would be logical that area 202 is also transparent.

For the amendments made to the specification, applicant submits that the objection to the drawings has been overcome and respectfully requests that the objection be withdrawn.

The specification is objected to because paragraph 11 includes a reference to character 23 as being designated as both "image sensor" and "infrared filter."

Applicant thanks the Examiner for his observation and has amended the specification to correctly refer to the image sensor as 22. No new matter has been added.

For the amendments made to the specification, applicant submits that the objection to the specification has been overcome and respectfully requests that the objection be withdrawn.

Amendment
Serial No. 10/847,059

5000-1-575

Claims 1-7 stand rejected under 35 USC 103(a) as being unpatentable over Kinsman (US Published Patent App. No. 2004/0056365) in view of Ikeda (US Published Patent App. No. 2004/0212719).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims as the combination of the references cited is improper in rejecting the claims. .

The instant invention was filed on January 23, 2004 and claims the benefit of the earlier filing date of Korean Patent Application serial no. 2003-74106, filed on October 23, 2003.

The Kinsman reference has a filing date of July 3, 2003 and is a divisional of the application filed on August 29, 2002. As Kinsman ('719) is a divisional of a prior filed US application ('654) the subject matter recited in '719 is afforded the earlier filing date of the '654 reference.

The Ikeda reference has a US filing date of February 5, 2004 and claims priority to Japanese Patent Application serial no. 2003-017012, having a filing date of January 27, 2003.

Under US Patent Law, "US patents may be used as of their filing dates to show that the claimed subject matter is anticipated (§102) or obvious (§103). Obvious can be shown by combining other prior art with the US patent reference in a 35 USC 103 rejection." (MPEP 2136.02, "The Supreme Court has Authorized 35 USC 103 Rejections Based on 35 USC 102(e)"). Furthermore, "US application publications and certain international application publications may also be used as of their earliest effective US filing date." *Id.* "35 USC 102(e) is explicitly limited to certain references 'filed in the United States before the invention thereof by the applicant.' Foreign applications' filing dates that are claimed (via 35 USC 119(a)-(d), (f) or 365(a)) in applications, which have been published as US or WIPO application publication or patented in US may not be used as 35 USC 102(e) dates for prior art purposes.... Therefore, the foreign priority date of the reference under 35 USC 119(a)-(d), (f) and 365(a) cannot be used to antedate the application filing date." (see MPEP 2136.03 (I. Foreign Priority Date)).

Amendment
Serial No. 10/847,059

5000-1-575

Accordingly, a US patent application may receive the benefit of the earlier filing date of the foreign patent application pursuant to 35 USC 119(a), only if the application filed in the US is filed within twelve months from the earliest date on which such foreign application was filed (35 USC 119(a)) and the foreign filed priority date of a US filed application may not be used as a 35 USC 102(e) prior art reference date.

In this case, the US filing of Ikeda was performed on February 5, 2005 and is more than one year after the filing of the application in Japan (January 27, 2003). Hence, the Ikeda reference is not afforded the earlier filing date of the foreign filed application and the effective filing date of the Ikeda reference is February 5, 2005. The Ikeda reference is **NOT** a proper reference to be cited against the instant application because the effective filing date of Ikeda is after the effective filing date of the instant application.

Even if were assumed that the Ikeda reference were afforded the earlier filing date of the Japanese patent application from which it claims priority (January 27, 2003), the priority date **MAY NOT** be used as a 35 USC 102(e) prior art reference date

For at least this reason also the Ikeda reference is **NOT** a proper reference to be cited against the instant application because the, assumed, earlier filing date of Ikeda cannot be used in rejecting a claim under 35 USC 102(e) and consequently under 35 USC 103.

In view of the arguments made with regard to the rejection of claim 1, applicant submits that the reason for the rejection of claim 1 can no longer be sustained.

Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Independent Claims 4 and 6 are also not rendered obvious by the teachings of Kinsman and Ikeda for the same arguments made with regard to Claim 1.

Applicant respectfully requests withdrawal of the rejection and allowance of these claims.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

Amendment
Serial No. 10/847,059

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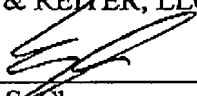
JUL 27 2007 5000-1-575

however, individual consideration of the patentability of each of theses on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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